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8 Attorneys for JPMorgan Chase Bank, N.A.,
9 as acquirer of certain assets and liabilities of
10 Washington Mutual Bank from the Federal Deposit
11 Insurance Corporation acting as receiver, and
12 California Reconveyance Company

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 George M Walker and Diane W. Walker,
16 husband and wife,

17 Plaintiffs,

18 v.

19 Washington Mutual Bank, F.A.; JPMorgan
20 Chase Bank N.A.; California Reconveyance
21 Company; Security Title Agency,

22 Defendants.

No. CV11-0584-PHX-SRB

**MOTION TO STRIKE
PLAINTIFFS' "NOTICE OF
FRAUD"**

23 Defendants JPMorgan Chase Bank, N.A., as acquirer of certain assets and liabilities of
24 Washington Mutual Bank ("WaMu") from the Federal Deposit Insurance Corporation
25 ("FDIC") acting as receiver, and California Reconveyance Company ("CRC")(collectively, the
26 "Moving Defendants") respectfully move this Court to strike Plaintiffs' Notice of Fraud, Dkt.
No. 23. This motion is supported by the accompanying memorandum of points and authorities,
which is incorporated herein.

MEMORANDUM OF POINTS AND AUTHORITIES

27 The Moving Defendants filed a Motion to Dismiss Plaintiffs' Complaint ("Motion to
28 Dismiss") on April 18, 2011. (Dkt. No. 10) On May 4, 2011, Plaintiffs filed their Response
29 and Opposition to Defendants' Motions to Dismiss. (Dkt. No. 19) Defendants filed their

1 Reply in Support of Motion to Dismiss Plaintiffs' Complaint, on May 17, 2011. (Dkt. No. 24)

2 On May 16, 2011, Plaintiffs filed a document titled "Notice of Fraud." (Dkt. No. 23)

3 The last document (Dkt. No. 23) should be stricken, pursuant to L.R.Civ. 7.2(m)(1),
4 because it is not authorized by a statute, rule, or court order. Once Plaintiffs filed their
5 Response and Opposition to Defendants' Motions to Dismiss, pursuant to L.R.Civ. 7.2(c), no
6 further or additional filings by Plaintiffs were authorized. The "Notice of Fraud" is not a
7 recognized or authorized filing and, in this context, it has no relevance or legitimate purpose.

8 In addition to the fact that the "Notice of Fraud" is not authorized, a cursory (or
9 detailed) review of the Notice reveals that it does not meaningfully advance the analysis of the
10 issues before the Court on the Motion to Dismiss. It reflects Plaintiffs' plain misunderstanding
11 of events and positions in unrelated litigation, and nothing more.

12 For these reasons, the identified filing should be stricken.

13 RESPECTFULLY SUBMITTED this 27th day of May, 2011.

14 **MAYNARD CRONIN ERICKSON**
15 **CURRAN & REITER, P.L.C.**

16 By /s/Douglas C. Erickson
17 Douglas C. Erickson
18 3200 N. Central Ave., Ste. 1800
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20 Attorneys for JPMorgan Chase Bank, N.A.,
as acquirer of certain assets and liabilities
of Washington Mutual Bank from the
Federal Deposit Insurance Corporation
acting as receiver, and California
Reconveyance Company

21 **ORIGINAL** of the foregoing e-filed this 27th day of May, 2011, with:

22 Clerk of the Court
23 United States District Court
24 401 W. Washington
Phoenix, AZ 85003

1 **COPY** of the foregoing delivered via ECF this 27th day of May, 2011, to:

2 Honorable Susan R. Bolton
3 United States District Court
401 W. Washington
Phoenix, AZ 85003

4 **COPY** of the foregoing mailed this 27th day of May, 2010, to:

5 George and Diane Walker
3964 E. Expedition Way
6 Phoenix, AZ 85050
Plaintiffs pro se

7 By /s/Stacey Tanner